

**REMARKS**

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed February 9, 2004. Claims 1-23 remain in this application.

**Summary of the Examiner's Action and Applicant's Response**

The Examiner has rejected Claims 1-13, 22, and 23 under 35 U.S.C. §103(a) as being obvious over Purnaveja, et al. (U.S. Patent No. 6,006,241) in view of Tao (U.S. Patent No. 6,243,481). Claims 14-21 have been rejected under 35 U.S.C. §103(a) as being obvious over Purnaveja, et al. in view of Tao and Sonoda, et al. (U.S. Patent No. 6,557,171). In this Amendment, Claims 1, 10, 12, 14, 22, and 23 have been amended. Claims 1-23 are pending in the application.

**Response to Rejection of Claims 1-13, 22, and 23 under 35 U.S.C. §103(a)**

Claims 1-13, 22, and 23 have been rejected under 35 U.S.C. §103(a) as being obvious over Purnaveja, et al. in view of Tao. Applicants have herein amended Claims 1, 10, 12, 22, and 23 to further define the differences of the embodiments of the present invention, as claimed in the referenced claims, from the methods and apparatus disclosed in the cited references.

The Examiner states that Purnaveja, et al. discloses the method in Claims 1 and 10, except for the step of embedding a data segment as part of an encoded media file. The Examiner concludes that it would have been obvious to one skilled in the art at the time of the invention to modify the method shown in Purnaveja, et al. by embedding a data segment as part of an encoded media file as taught in Tao. Applicant respectfully disagrees. The methods of Claims 1 and 10, as amended, are for encoding a data segment and time restriction information specifying a time period with a media file. In contrast, Purnaveja, et al. discloses methods for production of synchronized scripts that run on servers so that client computers connected through a network can playback a video stream and synchronize other events with this video stream. (Col. 2, lines 35-50).

The methods in Claims 1 and 10 are such that the data segment can be reproduced as part of a decoded media stream only if the time period corresponds to the current time and/or date when said media stream is being played back. The time reference for Claims 1 and 10 is to the current time of day and/or date when said media stream is being played back. The current time of day and/or date is determined by a real time clock, for instance. In contrast, in Purnaveja, et al., the time reference is to a stream time which is the relative time to the start of the video stream such that if

the start of the stream is indicated as time 0, for example, 10 minutes into the playback, the time would be 10 minutes. (See FIG. 7, and Col. 7, lines 9-27). This referenced stream time has conventionally been used to synchronize different multimedia objects, e.g., audio, video, and annotations. Purnaveja, et al. discloses methods designed to "synchronize" playback of events such as displaying ticker type data or HTML pages with the playback of main video stream. (Col. 2, lines 36-48). In contrast, the method of the present invention is designed to control "when" a data segment is displayed or played back by embedding a data segment and time restriction information. Applicant respectfully submits, therefore, that Purnaveja, et al. does not teach or suggest a method of encoding embedding a data segment and time restriction information such that the data segment can be reproduced as part of a decoded media stream only if the time period in the time restriction information corresponds to the **current time and/or date** when said media stream is being played back, as claimed in Claims 1 and 10, as amended.

The method of the present invention overcomes the problems of the prior art, for example, to present an offer that expires after a certain date only during the period when the offer is valid. (Page 2, lines 3-25). The cited references do not overcome this problem of the prior art. Moreover, according to the method as claimed in Claims 1 and 10, as amended, the data segment is embedded into the file without the need to redo the authoring or connecting to an internet server. In contrast, Purnaveja, et al. is designed for retrieval by a client computer of a video stream, an audio stream, and the annotated stream stored in a stream server wherein the client computer is able to synchronously display data at a URL address, for example, at a predetermined time as defined by the annotation stream. (See Col. 2, lines 36-54, and Col. 7, lines 8-28).

Tao discloses embedding hidden information or codes into digital data so that the hidden data is robust against noise and is easy to embed and retrieve. (Col. 2, lines 28-35). Applicant respectfully submits that there is no suggestion or motivation to combine the teachings of Tao with Purnaveja, et al. to achieve the method of the present invention or to overcome the problems of the prior art solved by the method of the present invention, as claimed in Claims 1 and 10, as amended. The Examiner states that the motivation is to embed multiple speech streams in a different language into a video so that it can be distributed to enable a user to listen to the audio in a chosen language. Applicant disagrees. The methods of Claims 1 and 10 are designed for a different purpose, that is, so that a data segment and time restriction information are embedding with a media file such that the data segment can be reproduced as part of a decoded media stream only if the time period in the time restriction information corresponds to the current time and/or date when said media stream is

being played back, as claimed in Claims 1 and 10, as amended. Applicant respectfully submits that the Examiner has impermissibly relied on the hindsight provided by the present invention in order to argue that Claims 1 and 10 are obvious in view of a combination of the cited references.

Claims 2-9 depend directly or indirectly from Claim 1 and are respectfully submitted as being not obvious based on Purnaveja, et al. in view of Tao for the same reasons as for Claim 1. Claim 11 depends directly or indirectly from Claim 10 and are respectfully submitted as being not obvious based on Purnaveja, et al. in view of Tao for the same reason as for Claim 10.

Regarding Claim 12, Applicant respectfully submits that Purnaveja, et al. and Tao do not teach or suggest a method for decoding as claimed in Claim 12, as amended. Among other things, Purnaveja, et al. and Tao do not teach or suggest the steps of "comparing said specified time period to the current time of day and/or date when said media stream is being played back; and (5) responsive to said comparison, reproducing said data segment at a specified point in said decoded media stream for playback only during said specified time period", as claimed in Claim 12, as amended. The time reference for comparing in Claim 12 is to the current time of day and/or date when said media stream is being played back. In contrast, in Purnaveja, et al., the time reference is to a stream time which is the relative time to the start of the video stream. Tao does not teach or suggest the above comparing and reproducing steps, as claimed in Claim 12. Applicant respectfully submits therefore that Claim 12 is not obvious based on Purnaveja, et al. in view of Tao. Claim 13 depends directly or indirectly from Claim 12 and is respectfully submitted as being not obvious based on Purnaveja, et al. in view of Tao for the same reasons as for Claim 12.

Regarding Claim 22, Applicant respectfully submits that Purnaveja, et al. and Tao do not teach or suggest a system having an encoder "operative to embed as part of said media file said data segment and said corresponding time restriction information" and a decoder "operative to separate said encoded media file into said decoded media stream, said data segment and said time restriction information, and **operative to compare said specified time period to the current time of day and/or date when said media stream is being played back, and operative in response to said comparison to playback said data segment as part of said decoded media stream only during said time period specified by said corresponding time restriction information**", as claimed in Claim 22, as amended. Among other things, as discussed above, in Purnaveja, et al., the time reference is to a stream time which is the relative time to the start of a video stream. Tao does not teach or suggest a system having an encoder and decoder, as claimed in Claim 12. Applicant respectfully submits therefore that Claim 22 is not obvious based on Purnaveja, et al. in view of

Tao.

Regarding Claim 23, Applicant respectfully submits that Purnaveja, et al. and Tao do not teach or suggest the steps of "comparing said specified time period to the current time of day and/or date when said media stream is being played back; and responsive to said comparison, reproducing said data segment at a specified point in said decoded media stream for playback only during said specified time period", as claimed in Claim 23. Among other things, as discussed above, in Purnaveja, et al., the time reference is to a stream time which is the relative time to the start of a video stream. Tao does not teach or suggest a method for encoding and thereafter decoding, as claimed in Claim 12. Applicant respectfully submits therefore that Claim 23 is not obvious based on Purnaveja, et al. in view of Tao.

**Response to Rejection of Claims 14-21 under 35 U.S.C. §103(a)**

Claims 14-21 have been rejected under 35 U.S.C. §103(a) as being obvious over Purnaveja, et al. in view of Tao and Sonoda, et al. (U.S. Patent No. 6,557,171). The Examiner states that the combination of Purnaveja, et al. and Tao discloses the decoding method in Claim 14, except for the steps of getting the current time and comparing the current time with a start and stop time to determine if the current time is not between a start and stop times. The Examiner concludes that it would have been obvious to one skilled in the art at the time of the invention to modify the method shown in the combination of Purnaveja, et al. and Tao by getting the current time and performing a comparison to determine if the current time is between a preselected start and a preselected stop time, as taught in Sonoda, et al. Applicant disagrees.

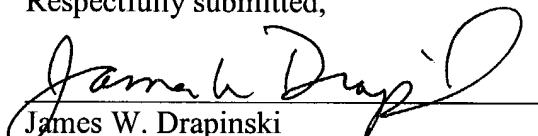
Sonoda, et al. discloses a method to preselect a number of programs to be displayed by the receiving apparatus. (See Col. 1, lines 50-59). The method disclosed in Sonoda, et al. compares the current time with the "start time" and "duration" of the desired program to switch to and display that program when the current time falls in that period. (Col. 22, lines 1-26) The method in Sonoda, et al., therefore, is similar to a VCR that reads the table of programs to be recorded and starts recording at the appropriate time. According to the method in Sonoda, et al., the checking of current time is done to switch to the desired presentation program immediately when the time falls into the program's playing time. (Col 22, line 67; Col, 23, lines 1-26).

In contrast, the method of Claim 14 solves a different problem and is for a different purpose, that is, for decoding an encoded media file for playback wherein the encoded media file includes an embedded data segment to be reproduced at a specified point if there are no time tags in the

embedded segment and during a specified time if the current time and/or date is between a preselected start time and stop time, as claimed in Claim 14. The reproduction of the embedded segment according to the method of Claim 14, is quite different from the recording of a broadcast program during a specified time, as taught in Sonoda, et al. There is no teaching, suggestion, or motivation in Sonoda, et al. of reproducing an embedded segment as a function of start and stop time tags embedded in an encoded media file, as claimed in Claim 14. Applicant respectfully submits that the Examiner has impermissibly relied on the hindsight provided by the present invention in order to argue that Claim 14 is obvious. Claims 15-21 depend directly or indirectly from Claim 14 and are respectfully submitted as being not obvious based on Purnaveja, et al. in view of Tao and Sonoda, et al. for the same reasons as for Claim 14.

Based on the above, Applicant respectfully submits that the pending claims in the present application are in condition for allowance. Such allowance is respectfully solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 739-2800.

Respectfully submitted,

  
James W. Drapinski  
Registration No: 46,242

MAY 10, 2004  
COUDERT BROTHERS LLP  
Two Palo Alto Square  
3000 El Camino Real, Fourth Floor  
Palo Alto, California 94306-2121  
Telephone: 650 739-2800  
Telefax: 650 739-2801

BEST AVAILABLE COPY